

The Department of Food and Agriculture, Meat and Poultry Inspection Branch, hereby adopts the following changes to Title 3, of the California Code of Regulations, to read as follows:

- 1) Adopt Article 49 of Subchapter 2, Chapter 4, Division 2, of Title 3 of the California Code of Regulations, to read as follows:

Article 49. Transporters of Inedible Kitchen Grease

- 2) Adopt sections 1190, 1190.1, 1190.2, 1190.3 and 1190.4 under new Article 49, of Subchapter 2, Chapter 4, Division 2, of Title 3 of the California Code of Regulations, to read as follows:

Section 1190. Registration and Renewal Requirements.

(a) No person shall engage in the transportation of inedible kitchen grease without receiving a registration certificate from the Department pursuant to sections 19310, 19310.5, 19310.7, and 19311 of the Food and Agricultural Code. A transporter shall not give, contract, or arrange with another person to transport interceptor waste unless that person is a registered transporter of inedible kitchen grease.

(b) Applicants for registration shall complete the Meat and Poultry Inspection Branch Form 79-012A (Rev. 12/04), Inedible Kitchen Grease Transporter Registration Application. A copy of the form may be obtained by contacting the Department.

(c) Applicants for registration or renewal shall submit to the Department the fee required by section 19312 of the Food and Agricultural Code, the applicable enforcement fees pursuant to section 19315 of the Food and Agricultural Code and sections 1180.3.1 and 1180.3.2 of Title 3 of the California Code of Regulations, and proof of a policy of insurance or surety bond pursuant to section 19310 of the Food and Agricultural Code.

(d) Penalties for any late enforcement fees shall be assessed pursuant to sections 19227(c) and 19315(c) of the Food and Agricultural Code.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 19310, 19310.5, 19310.7, 19311, 19312, and 19315 Food and Agricultural Code.

Section 1190.1. Definitions.

(a) "Interceptor waste" means all material, including inedible kitchen grease, greasy liquid, water, and solids, removed from a grease interceptor or a grease trap.

(b) "Generator" means any location where grease is collected from a grease interceptor or grease trap, including, but not limited to, any food preparation, processing, or handling establishment or facility.

(c) "Authorized receiving facility" or "receiving facility" means a licensed renderer or collection center, a landfill or wastewater treatment facility, such as a publicly owned treatment works, that accepts the direct receipt of transported interceptor waste, or other facility authorized to receive grease as approved by the Department.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 19305, 19305.5, 19306, 19310.7, 19311, 19313.8, 19315 and 19316, Food and Agricultural Code.

Section 1190.2. Interceptor Waste Removal Manifest.

(a) A transporter of inedible kitchen grease shall create and maintain a manifest on the Meat and Poultry Inspection Branch Form 79-120 (Est. 3/05), Interceptor Waste Transporter Manifest and Receipt, or in another physical or electronic format approved by the Department, for each load of interceptor waste. Each manifest shall have a unique, readily visible, manifest number in a format approved by the Department. A transporter shall not transport interceptor waste without a properly maintained manifest. The manifest must accompany all collected shipments of interceptor waste from point of origin to the receiving facility.

(1) The transporter shall enter the total volume or quantity of interceptor waste transported on the manifest. The total volume or quantity is the cumulative amount of interceptor waste collected and retained from generators listed on the individual receipts as required by section 1190.3.

(2) Upon delivery of interceptor waste to an authorized receiving facility, the transporter must sign and date the manifest under penalty of perjury. The authorized

receiving facility shall then complete the receiving facility portion of the manifest, which shall include:

(A) The name and address of the receiving facility,

(B) The volume or quantity of interceptor waste received,

(C) The date and time the load was received,

(D) The current inedible kitchen grease serial number of the transporting vehicle,

and

(E) The signature of a representative of the receiving facility.

(F) If the receiving facility uses an automated system for receiving interceptor waste, the transporter shall complete the receiving facility portion of the manifest, except for the signature block which may remain blank, and shall attach to the manifest a copy of a receipt provided by the receiving facility at the time of delivery, that contains the information required in (A), (B), (C), and (D) of this subsection.

(3) The transporter shall retain all manifests, and a copy of all receipts, in paper and/or electronic formats, as described in section 1190.3 at a publicly accessible location within the state for two years. Any unresolved enforcement action initiated by the Department or any law enforcement agency regarding the transportation of interceptor waste extends this period of retention automatically until the action has been concluded.

(4) Upon demand by any Department employee, any officer of the California Highway Patrol, any peace officer as defined in section 830.1 or 830.2 of the California Penal Code, any county or city environmental health officer, any district attorney, any officer of a local sewer authority, or any local public officer designated by the Department, the transporter shall immediately make available any manifest, or a copy of such manifest, and copies of all receipts attached to the manifest, completed within the past five days. If the manifest is maintained onboard the transporting vehicle in an electronic format, the transporter shall be able to electronically display or print out, onboard the vehicle, all information from manifests completed in the past five days. All other manifests and attached receipts shall be made available within 24 hours.

(5) The transporter shall submit copies of the manifest and receipts to the receiving facility upon request.

(b) The Department shall provide transporters with blank manifest forms, Meat and Poultry Inspection Branch Form 79-120 (Est. 3/05), Interceptor Waste Transporter Manifest and Receipt, upon request, at no cost.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 19304, 19305, 19305.5, 19306, 19310, 19310.5, 19310.7, 19311, 19313.1, 19313.8, 19316 and 19316.5, Food and Agricultural Code.

Section 1190.3. Interceptor Waste Removal Receipts.

(a) Transporters shall document the total quantity of interceptor waste removed from any grease interceptor or grease trap, and the total quantity of the water portion of such interceptor waste reinserted into a grease interceptor or grease trap, if any, and if permitted under local authority, including, but not limited to, publicly owned treatment works, local sewer collection system, or a city, county, or utility district that has jurisdiction over the sewer conveyance or treatment system, through receipts. Transporters shall use the receipts to determine the total volume of interceptor waste in the vehicle as required by section 1190.2(a)(2).

(b) Upon collection of interceptor waste from a generator, the transporter shall attach a legible receipt for the interceptor waste to the front of the manifest required by section 1190.2. The Meat and Poultry Inspection Branch Form 79-120 (Est. 3/05), Interceptor Waste Transporter Manifest and Receipt, is a two-page NCR (no carbon required) form that has removable receipts on the first page. If this form is used, a receipt does not need to be attached because the second page of the manifest form contains a copy of the receipt. The transporter shall leave the receipt or a copy of the receipt with the generator when the grease is collected unless the generator is closed, in which case the receipt may be left at a location on the premises designated by the generator, or mailed to the generator within 24 hours of collection.

(c) All receipts, and any copies of them, shall contain all of the following information:

(1) The name and address of the generator and the signature of the generator or the generator's representative, if available. The signature of the generator may be

omitted if the transporter certifies by his or her signature and statement that the business or location was closed at the time of the pickup.

(2) The date of the pickup.

(3) A unique receipt number. If a receipt other than Meat and Poultry Inspection Branch Form 79-120 (Est. 3/05), Interceptor Waste Transporter Manifest and Receipt, is used, the numbering system shall be submitted for approval by the Department before the receipt is used.

(4) The manifest number.

(5) The working capacity of the grease interceptor or grease trap. This is the total volume of solids, water, and grease that the interceptor or trap contains under normal operating conditions.

(6) The volume or quantity of interceptor waste removed.

(7) The volume or quantity of the water portion of the interceptor waste reinserted into the grease interceptor or grease trap, if any, and if permitted under local authority, including, but not limited to, publicly owned treatment works, local sewer collection system, or a city, county, or utility district that has jurisdiction over the sewer conveyance or treatment system.

(8) The name of the authorized receiving facility to which the interceptor waste will be transported.

(9) The transporter's name and current inedible kitchen grease serial number found on the official decal issued by the Department for the transport vehicle.

(10) The transporter's legibly printed first and last name and signature, attesting to the accuracy of the information under penalty of perjury.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 19304, 19305.5, 19306, 19310, 19310.5, 19310.7, 19313.8, 19316 and 19316.5, Food and Agricultural Code.

Section 1190.4. Violations.

(a) Violation of this Article constitutes a basis for the Department to pursue existing remedies. Pursuing any one remedy does not preclude the Department from

pursuing any of the remaining remedies concurrently or at a later date unless otherwise prohibited by law.

(b) Existing remedies include, but are not limited to,

(1) Denial, suspension, or revocation of a license, registration, certificate, permit, exception, or other indicia of authority issued by the Department;

(2) Civil or administrative penalties; and

(3) Referral to the appropriate District Attorney or the Attorney General for criminal prosecution or other appropriate remedy.

NOTE: Authority cited: Sections 407 and 19314, Food and Agricultural Code. Reference: Sections 19305, 19305.5, 19306, 19310, 19310.5, 19310.7, 19311, 19312, 19313.8, 19315, 19316, 19440, 19443, 19444, 19445, 19446 and 19447, Food and Agricultural Code.

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